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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/113,071 07/10/98 SILVERBROOK

K ART32US

MMC2/0209

EXAMINER

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KIM, P

ART UNIT

PAPER NUMBER

2851

DATE MAILED:

02/09/01

AIR MAIL

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/113,071

Applicant(s)

Silverbrook et al.

Examiner

PETER KIM

Group Art Unit
2851



☒ Responsive to communication(s) filed on Dec 15, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1 and 3-15 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1 and 3-15 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Dec 18, 2000 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2851

DETAILED ACTION

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/15/00 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2 and 4-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg et al. (Steinberg) in view of Stephenson.

Steinberg discloses in Figure 1 and column 1, line 58 through column 4, line 62, a portable camera (ref. 10) for capturing a digital image and an integral programming language interpreter means for manipulation of the digital image and a script input means (ref. 18) for inputting a programming script on a card (ref. 22) wherein the script is executed to modify the image.

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However, Steinberg does not disclose a digital camera with an integral printer. Stephenson discloses in Figure 3, a digital camera with an integral printer. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an integral printer to the digital camera of Steinberg in view of Stephenson in order to instantly print the captured and modified digital image.

4. Claims 1, 2 and 4-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg et al. (Steinberg) in view of Finelli et al. (Finelli).

Steinberg discloses in Figure 1 and column 1, line 58 through column 4, line 62, a portable camera (ref. 10) for capturing a digital image and an integral programming language interpreter means for manipulation of the digital image and a script input means (ref. 18) for inputting a programming script on a card (ref. 22) wherein the script is executed to modify the image.

However, Steinberg does not disclose a digital camera with an integral printer. Finelli discloses a digital camera with a detachable printer which is made integral to the camera. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an integral printer to the digital camera of Steinberg in view of Finelli in order to instantly print the captured and modified digital image.

5. Claims 3, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg et al. (Steinberg) in view of Stephenson as applied to claim 1 above, and further in view of Nishitani.

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The further difference between the claimed invention and the modified Steinberg is the cards with an example of the likely effect on the image. Nishitani discloses IC card (ref. 12) with a likely effect (ref. 14). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to further modify Steinberg with the card of Nishitani in order to facilitate the use of the cards.

6. Claims 3, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg et al. (Steinberg) in view of Finelli et al. as applied to claim 1 above, and further in view of Nishitani.

The further difference between the claimed invention and the modified Steinberg is the cards with an example of the likely effect on the image. Nishitani discloses IC card (ref. 12) with a likely effect (ref. 14). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to further modify Steinberg with the card of Nishitani in order to facilitate the use of the cards.

Remarks

7. Applicant argues that Steinberg's camera does not include a script input means and that it needs an external programming device. However, Steinberg teaches card 22 which is used instead of an external programming device like a PC. Applicant also argues that Steinberg does not teach modification of the image. Adding text or graphics to the image can be considered modification of the image.

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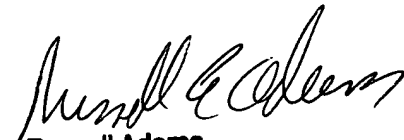
Conclusion

8. All claims are rejected.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Kim whose telephone number is (703) 305-0105. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays during the same hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams, can be reached on (703) 308-2847. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

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02/06/01


Russell Adams
Primary Examiner